

Amendment No. 1 to SB0097

Bailey
Signature of Sponsor

AMEND Senate Bill No. 97*

House Bill No. 396

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 50-6-210(e)(4), is amended by deleting the subdivision and substituting:

(4) **Remarriage of Surviving Spouse.** Upon the remarriage of a surviving spouse, if there is no child of the deceased employee, the periodic compensation benefits shall terminate and the surviving spouse is entitled to one (1) lump sum payment equal to one hundred (100) weeks based on twenty-five percent (25%) of the average weekly wages of the deceased employee, subject to the maximum total benefit; but if there is a child or children under eighteen (18) years of age, or over eighteen (18) years of age if physically or mentally incapacitated from earning, from the time of the remarriage, the child or children have status of orphan or orphans and draw compensation accordingly, except the compensation shall not exceed sixty-six and two-thirds percent (66 2/3%) of the average weekly wages of the deceased.

SECTION 2. Tennessee Code Annotated, Section 50-6-210(e), is amended by deleting "fifty percent (50%)" wherever it appears and substituting "sixty-six and two-thirds percent (66 2/3%)".

SECTION 3. Tennessee Code Annotated, Section 50-6-210(e)(11), is amended by deleting the last sentence and substituting:

If the dependent is attending a recognized educational institution or completing secondary education or a program leading to an equivalent credential, or enrolled

in a recognized institution that provides postsecondary or career or technical education, then benefits shall be paid until twenty-two (22) years of age;

SECTION 4. Tennessee Code Annotated, Section 50-6-210, is amended by adding the following as a new subsection:

(g)

(1) If a dependent, as established by order, judgment, or decree, is determined to be entitled to benefits under this chapter, then the employer or insurer may periodically require the dependent to provide information relevant to whether the dependent continues to qualify for benefits. After receipt of the request for information, the dependent shall provide the requested information relevant to dependency within fifteen (15) days of the date of the request.

(2)

(A) If the dependent fails to provide the requested information relevant to dependency, then the employer or insurer may suspend benefits. If benefits are suspended, then the employer or insurer shall notify the department by filing a notice of change or termination of benefits within fifteen (15) days of the first omitted payment of compensation.

(B) If the dependent provides the requested information relevant to dependency within any period of suspension of benefits and the employer or insurer does not dispute the dependent's eligibility for benefits, then within fifteen (15) days of the receipt of such information, the employer or insurer shall restore periodic benefits and shall remit to the dependent any periodic benefits that were withheld during any period of suspension of benefits.

(3) If the dependent provides information indicating the dependent no longer qualifies for benefits under this chapter based on changes in the

dependent's circumstances that have occurred since the time of the initial order, judgment, or decree, then the employer or insurer may terminate benefits. If benefits are terminated, then the employer or insurer shall notify the department by filing a notice of change or termination of benefits within fifteen (15) days of the first omitted payment of compensation.

(4) If benefits are suspended as provided in subdivision (g)(2), or terminated as provided in subdivision (g)(3), then the dependent may file a petition for benefit determination.

(5) A person who provides false or misleading information in response to a request for information relevant to dependency commits a fraudulent insurance act as provided in § 56-47-103, which is punishable as theft under § 39-14-105.

SECTION 5. This act takes effect July 1, 2023, the public welfare requiring it.